



**City of
Norfolk**

Inter Department Correspondence Sheet

TO: Members of Council

FROM: City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meetings

November 1, 2013

Attached are the minutes from the City Council meeting held October 22, 2013.

for R. Breckenridge Daughtrey

NORFOLK, VIRGINIA

REGULAR SESSION OF COUNCIL

TUESDAY, OCTOBER 22, 2013

President Fraim called the meeting to order at 4:05 p.m. with the following members present: Mr. Burfoot, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Ms. Williams and Mr. Winn.

He thereupon called for the first item of business.

A. JOINT WORK SESSION WITH NORFOLK PUBLIC SCHOOLS

Mayor Fraim welcomed the School Board Members, Superintendent King and staff, stating that they had a good meeting last time and that this joint session is in furtherance of efforts to improve communication and to work collaboratively, as well as provide an update on budget and legislative priorities. He turned the meeting over to Dr. Houston to share a brief update.

Dr. Houston shared a brief update on where they are on some important matters, noting that the last time they were together they talked about the school accreditation report, as it was just coming out from the Department of Education. The final report is in and they thought it was important today to provide information relative to school improvement plans for schools that are not fully accredited, as well as those that are designated focus schools and priority schools. Additionally, they will share information on legislative priorities that they have agreed to ask their representatives to support and what they have agreed to ask their legislators to oppose. On November 12th they will hold an annual breakfast with local representatives and talk about each item and hopefully get their support and direction on where they would like to see them go. On matters concerning the budget, there had been some questions on what they anticipate their needs to be this budget year and they did want to provide the process and timeline, as well as some items that could potentially be a part of their needs this coming fiscal year. He then turned the meeting over to Dr. King and staff for further review.

Dr. King thanked Council, School Board Members and staff for their diligent efforts in coming together to talk about their elected interest which is around educating children. Today their objectives center along pinpointing things that are happening in schools and addressing the work of moving student achievement forward to provide ideas on the kind of strategies that are in place. They will talk about the work that is done in school on a day-to-day basis as it relates to accreditation, which is tied to a percentage of students meeting and receiving standards as it relates to the curriculum that is required at State level. That's what student achievement is about tied to accreditation as well as tied to the federal accountability piece. They will also talk about the budget and the budgetary process and what's different about it. The budget will certainly be an offshoot of the information that they talk about today related to student achievement, which is a major difference for them this current school year compared to the previous year and that their budgetary procedure is tied to and will continue to be tied to their strategic plan and the priorities that are important for the school system which will surface within the budget in terms of recommendations that will go before their Board. The last item in the document centers on the legislative priorities, which are provided for Council's information unless there are questions.

B. CLOSED SESSION

Motion for closed session was approved for purposes which are set out in **Clause 3** of subsection **(A)** of **Section 2.2-3711** of the Virginia Freedom of Information Act, as amended:

- (3) The disposition of publicly held property at 6282 Northampton Boulevard.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

C. COUNCIL INTERESTS

1. Councilman Smigiel inquired about repaving and line striping on Monticello Avenue by Doumars, noting that there is a lot of construction going on in the area and the line striping is almost all gone.
2. Councilman Riddick noted that Fontaine Avenue in Ingleside has a block near Easton Avenue that's been closed for several years to curb speeding. He expressed concern that those residents have no way to get out in the event of a nor'easter or hurricane and asked the Administration to look at the possibility of reopening the street and maybe installing some speed bumps to address speeding.
3. Councilman Winn asked for signage on Brambleton Avenue before you get to Norfolk Scope, going east and west that would say "bridge lift in progress," and would allow drivers to take a detour instead of getting stuck in traffic.
4. Councilwoman Whibley asked if there is some sort of incentive or tax relief prepared for new buildings or reconstruction that makes the surface pervious, noting that the city needs to be proactive about encouraging new construction to help with flooding issues and environmental.
5. Mayor Fraim commented that the Ocean View Arts Festival and the Stockley Gardens Arts Festival were well attended events and suggested they create an arts festival week and the city could spend a few dollars promoting them.

D. ASSESSMENT OF CITY OWNED PROPERTY

Deborah Bunn, Real Estate Assessor, provided a brief explanation on how the Assessor's Office values city-owned property, noting that currently there are 3,300 city-owned properties. Among those are Norfolk Redevelopment and Housing, the Airport Authority, some regional and general municipality entities and the City of Norfolk itself. Many of the improved properties were inherited by the current database, having been there for decades and have never been measured or photographed, not a lot of details on them. A flat value was placed on the buildings. Typically it wasn't valued using an appraisal method. It usually came from somewhere within a city department because of inventory or for insurance purposes. When the city converted to the current software system in 1998, all of these properties were data entered as they were. They were never measured and no details were picked up. They sit in the database today as they existed when they were first entered.

The land values are typically pretty accurate unless there is an override value on the lot for a particular reason, such as an easement or specific location or some kind of negative influence. Unless there is an override, these lots are valued using the neighborhood land tables. The land values are updated every year unless there is an override. Limited resources of the Assessor's Office prevent them from going out and measuring all of these properties and putting the correct values on them. Occasionally they are approached by Development or other departments that a piece of property is being negotiated for sale, so they will go out and measure them and get all of the specific details so they can value them correctly.

Mayor Fraim stated that he saw the report and it looks like there was a small bump up. In response, Ms. Bunn stated that it should be a bigger one next year.

E. LEGISLATIVE PACKAGE UPDATE

Bryan Pennington, Director of Intergovernmental Relations, provided an update to the Council's discussion during Council Retreat relative to the city's 2014 Legislative Package, specifically focusing on School Board appointments, HRT Governance, and Charter Changes.

SCHOOL BOARD APPOINTMENTS

Right now Norfolk appoints its School Board members for two-year terms, which is out of the norm for appointed school boards as well as elected school boards. Council asked the Administration to take a closer look to see if they are out of the bracket as far as what typical Virginia cities are doing and it appears that we are; so the recommendation would be to proceed with a legislative request to increase school board appointments from two years to three years if it is the will of Council.

Manager Jones noted that localities that have appointed school boards, the vast majority of them have three-year terms.

HRT GOVERNANCE

In the 2011 General Assembly Session, Delegate Cosgrove carried HB2504, which takes away one Council appointee to the HRT Board and replaces them with a governor appointee. The Administration has held several meetings with HRT to discuss Council's on-going concerns. HRT is currently in the process of developing its own 2014 Legislative Priorities Package and comprehensive strategic plan. The Administration recommends Council request HRT to include the Governor Appointment concern in their 2014 legislative package and to conduct a best practice study of comparable transit agency governance structures.

Mr. Pennington explained that these appointments would normally be made from three candidates that were submitted by City Councils of their respective jurisdictions; but because of the change in legislation as it was moving through the committee process in 2011, the requirement that the Governor had to select from the three-candidate lists that were submitted by the local governing body is not there any longer and the government is free to appoint his members as long as they live within the jurisdiction or work in the jurisdiction. The City would ask that they carry something that states that Council will appoint instead of the Governor or the Governor has to choose from our appointee recommendations.

Councilman Winn asked when they were going to submit the legislative package. Mr. Pennington responded that if Council accepted this designated recommendation, they would submit by letter a request for HRT to consider including a legislative request to amend current law as it relates to the appointment for citizen appointments to the HRT Board, specifically so that these appointments would be done with the influence of the local governments that they are representing.

In summary, Mr. Pennington stated that the Manager will send a letter on behalf of the Council formally requesting the Governor appointment issue be incorporated in the HRT Legislative Package and Council will work in partnership with HRT to advance that request as a priority initiative during session and simultaneously send another letter and also bring it up in the November HRT Board meeting as a new item to have the Board to consider Governance issues along with the strategic planning efforts that they are currently undertaking.

CHARTER CHANGES

Council asked the Administration to take a closer look at two Charter Changes. The first one has to do with the statutorily required Council meetings. Our city is called out by Code and the language says that we're supposed to meet each week. Council is allowed to reduce by 16 the total cumulative meetings. It works out to be 36 statutorily required Council meetings. A comparison of local cities in the Hampton Roads Region, as well as a lot of jurisdictions across the Commonwealth, shows that there are not many examples of Councils being statutorily required to meet with such frequency. As a matter of fact, most of them only have a statutory requirement to meet once a month and then by Ordinance they've approved each year their meeting schedule for the coming year. This is a proposal to provide Council some additional flexibility relative to how meetings are scheduled. It does not take away any of Council's right to organize meetings as deemed appropriate, but would conform to what is being practiced by Councils in the surrounding area. The Administration is seeking Council's input and guidance.

Councilwoman Whibley stated that they should do it like everybody else and meet once a month. Mr. Pennington stated that they will proceed with that request.

The second Charter Change has to do with the creation of a new Deputy Police Chief position in the unclassified service. The recommended change is consistent with other non-public safety city department. If approved all Assistant Police Chiefs would continue to be in the classified service and the creation of the new Deputy Police Chief would be offset by the deletion of a vacant Assistant Chief position.

Mr. Pennington stated that they are scheduled to bring forward the draft package for finalization on November 26th and the pre-file deadline for all legislation is December 7th. The Administration would like to put the final touches on the changes that were addressed here in the draft package and would like to post it online for citizen comment as soon as possible.

F. SELECT AGENDA ITEMS

Frank Duke, Director of Planning; reported that the Planning Commission gave a negative recommendation on the following items:

Victoria Powell - For an automobile repair establishment at the intersection of Sabre and Raby Roads, in an industrial area near the Crown Point neighborhood. The property is currently zoned general industrial which does allow automobile repair by special exception. There is an existing nonconforming automobile establishment on the site. It is nonconforming because it does not have a special exception.

Mr. Duke noted that the reason this is coming before City Council from the Planning Commission is that Ms. Powell is seeking to add a second auto repair establishment on this property. Staff is recommending denial of this request because they need to address the unsafe issues before they allow the expansion of uses on the property. The Planning Commission recommended denial on a 6-0 vote based on the applicant's failure to address existing code violations on the property.

Surfside Auto Company - For an automobile repair establishment on Merritt Street north of East Little Creek Road.

Mr. Duke noted that this location is immediately adjacent to a number of single family residential uses. It is at the edge of a commercial area that is off of East Little Creek Road, but does immediately abut single-family residential; so it does require the special exception in order to be able to do this. Staff did recommend approval because it does comply with the ordinance and because of the site improvements they were making. Planning Commission recommended denial on a 6-0 vote.